

Service Date: July 26, 2001

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER OF MID-RIVERS TELEPHONE)	UTILITY DIVISION
COOPERATIVE, INC., Petition for Designation as)	
an Eligible Telecommunications Carrier in the)	DOCKET NO. D2001.5.50
Terry, Montana, Exchange)	ORDER NO. 6358

IN THE MATTER OF MID-RIVERS TELEPHONE)	UTILITY DIVISION
COOPERATIVE, INC., Petition for Designation as)	
an Eligible Telecommunications Carrier in the)	DOCKET NO. D2001.5.52
Fairview, Montana, Exchange)	ORDER NO. 6359

FINAL ORDER

1. On May 2, 2001, Mid-Rivers Telephone Cooperative, Inc. (Mid-Rivers), filed before the Public Service Commission (PSC) an application for designation as an eligible telecommunications carrier (ETC) in the Terry, Montana, exchange. On May 9, 2001, Mid-Rivers filed an application for designation as an ETC in the Fairview, Montana, exchange. Mid-Rivers' applications are consolidated for final order purposes.

2. On June 21, 2001, Mid-Rivers and Qwest Communications, Inc. (Qwest), the incumbent provider in the Terry and Fairview exchanges, filed stipulations allowing designation of Mid-Rivers as an ETC in both exchanges, subject to the terms and conditions of the stipulations. No other person has requested intervention in the dockets or has filed comments regarding the matters in issue.

3. The PSC approves the stipulations and, subject to the terms of this Final Order, determines that Mid-Rivers should be designated an ETC and thereby be eligible for universal service funds for service in the Terry and Fairview exchanges. In accordance with § 69-3-840, MCA, § 214(e) Telecommunications Act of 1934, as amended, and 47 C.F.R. § 54, Mid-Rivers offers the covered services in the service areas through either facilities-based operations or a

combination of facilities-based and resale and advertises the availability of services through generally distributed media and designation is consistent with the public interest, convenience, and necessity.

4. The covered services include voice-grade access to the public switched network with some usage; dual-tone multi-frequency signaling or its functional equivalent; single-party service or its functional equivalent; access to emergency services including 911 or enhanced 911; access to operator services, interexchange service, and directory assistance; and toll limitation. Mid-Rivers provides all of these services to current customers and will continue to offer these services to all customers in the Terry and Fairview exchanges after designation as an ETC. Mid-Rivers has made investments in facilities to serve the communities of Terry and Fairview. Mid-Rivers and Qwest have agreed (through stipulation) to accept their respective obligations as ETCs regarding construction of new facilities according to customer selection of carriers and subject to the selected carrier's construction policies or tariffs. Mid-Rivers states that it may provide service to some customers through an existing resale agreement with Qwest if unable to provide service through its own equipment. Mid-Rivers has provided examples of its local newspaper advertising for its services. Mid-Rivers has made a commitment to serve customers requesting service within the service areas if ETC status is granted. Mid-Rivers is already serving a significant share of customers within the Terry and Fairview exchanges and is an established operation with experience in service areas in this state. Mid-Rivers has demonstrated a commitment in providing service to customers by establishing regional offices and personnel.

5. Mid-Rivers meets, at the least, the minimum conditions established for ETCs by state and federal statutes. The PSC grants ETC status to Mid-Rivers for the Terry and Fairview exchanges, the provisions of the stipulation, this Order, and the following conditions. Mid-Rivers shall provide the PSC with a short report on its advertising activities (including targeting low income customers for lifeline and link up, *see below*) in the Terry and Fairview service areas at the end of its first year of ETC designation. The report must include copies of advertising with

a description of how and when the advertising was distributed. At that time the PSC will determine if any additional reporting, annually or otherwise, would be beneficial. Mid-Rivers must also comply with all applicable federal requirements imposed on ETCs regarding telecommunications lifeline and link up programs, including publicizing of the availability of lifeline and link up. *See e.g., 47 C.F.R. §§ 54.111 and 54.405.*

6. ETC certification is an annual requirement. The PSC requests that applications to the PSC for annual certification to the Federal Communications Commission (FCC) be filed well in advance (e.g., 30 days) of the certification deadline (currently October 1, each year). FCC universal service orders anticipate that states will take appropriate steps to account for the receipt of high cost funds and ensure that support is being applied consistent with law. States also have flexibility in deciding how ETC-designated carriers use the support provided. The PSC is presently considering initiating a proceeding or proceedings, the purpose of which may include a determination of how ETCs will apply high cost universal service funds attributable to the Montana jurisdiction.

7. The application of Mid-Rivers Telephone Cooperative, Inc., for designation as an eligible telecommunications carrier in the Terry and Fairview, Montana, exchanges is hereby approved.

Done and dated this 24th day of July, 2001, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.